IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 18169 of 1995

Between:

1 Kathula Maraiah S/o Lingaiah, Pittampally Village, Kattangur Mandel
2 Kathula Chandraiah S/o Shivaiah, Pittampally Village, Kattangur Mandel
3 Kathula Lingaiah S/o Maisaiah, Pittampally Village, Kattangur Mandel
4 Kathula Balaiah S/o Rapaiah, Pittampally Village, Kattangur Mandel
5 Kathula Mallaiah S/o Rajaiah, Pittampally Village, Kattangur Mandel
6 Kathula Pichamma W/o. Narasimha, Pittampally Village, Kattangur Mandel
7 Kathula Pichaiah S/o Istari, Pittampally Village, Kattangur Mandel

..... PETITIONERS

AND

1 The Joint Collector, Nalgonda District, at Nalgonda.
2 The Revenue Divisional Officer, Nalgonda District at Nalgonda
3 Sri Thummala Janardhan Reddy, Pittampally(v) Kattangur Mandal
Nalgonda Dist
4 Chinnam Lingaiah, Pittampally(v) Kattangur Mandal, Nalgonda Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate writ orders of directions particularly in the nature of Writ of Certiorari calling for records relating to the order passed by the 1st respondents in case No.C3/JC/INAMS/22/93 dt 9-6-95 confirming the orders passed by 2nd respondent in case No.E/1191/2/91 dt 18-8-1993 granting Occupancy certificate in respect of Sy.No.92&93 for an extent of Ac.25.37 guntas situated at Pittampally village, Kattangur Mdl. Nalgonda district, in favour of the 3rd respondent &4th respondents and quash the same by the declaring the action of 2nd respondent is arbitrary, unreasonable, illegal &contrary to the Rules & Provisions of the Inams Abolition Act 1995(Telangana) and further direct the 1st and 2nd respondents to put the petitioners to the above said lands.

Counsel for the Petitioners: MR.J.SIDDAIAH

Counsel for the Respondents No.1 & 2 :- G.P FOR REVENUE

Counsel for the Respondents No. 3and 4.: MR.K.DURGA PRASAD

The Court made the following :

ORDER:

Challenge is made against the order passed by the 1st respondent in case No.C3/JC/INAMS/22/93 dt 9-6-95 confirming the orders passed by 2nd respondent in case No.E/1191/2/91 dt 18-8-1993 granting Occupancy Certificate in respect of Sy.No.92&93 for an extent of Ac.25.37 guntas situated at Pittampally village, Kattangur Mdl. Nalgonda district, in favour of the 3rd respondent &4th respondents. Consequently, the petitioners seek to put them in possession of the above said lands.

The brief facts of the case in nutshell are as follows:

It is stated that the petitioners are the inamdars of land in Sy.No.92 and 93 measuring an extent of Ac 10.23 grs and 15.14 gts., totally Ac25.37 gts situated at Pittampally Village and as on the date of Inam Abolition Act, the fathers and grand fathers of the petitioners were in possession of the above mentioned land and as such they are in continuous possession of the lands as on till date. It is also stated that the respondents 3 and 4 filed Case No. E/1191/2/91 before the 2nd respondent for issuance of Occupancy Certificate in respect of the lands in their possession and the 3rd respondent filed Form-I for issuance of Occupancy Certificate for an extent of only Ac 4.00 but the 2nd respondent issued Occupancy Certificate to an extent of Ac 12.38 gts., and though the 4th respondent has not applied Form –I for issuance of Occupancy Certificate, 2nd respondent issued the same to an extent of Ac 25.37 gts, in his favour as successor-in-interest.

It is the further case of the petitioners that though the respondents 3 & 4 applied for an Occupancy Certificate at a belated stage, the 2nd respondent did not reject their claims and erroneously without applying the mind issued the Occupancy certificates in favour of the respondents 3 & 4. The respondents 3 & 4 are not entitled for Occupancy Certificate in respect of the above inam lands and a simple sale deed alleged to have been filed before the 2nd respondent and also Pahani patrikas submitted before the 2nd respondent do not confer any right to obtain the said Certificate under Section 4 of Inam Abolition Act 1955(Telangana) and by the time the Act came into force the petitioners are in uninterrupted possession. It is further

stated that the respondents 1 & 2 having said that the lands are Inam lands and the petitioners are the inamdars, ought not to have granted the Occupancy Certificates to the respondents 3 & 4. So, the impugned orders passed by the 1st respondent dated 9-6-95 confirming the orders passed by the 2nd respondent dated 18-8-1993 is liable to be set aside. Hence, the writ petition.

Heard the learned counsel on either side.

Having regard to the fact that the first respondent has already passed the orders confirming the orders of the second respondent and in view of the fact that the sale has already been confirmed and occupancy certificate has been granted in favour of respondents 3 & 4, I am of the considered opinion that no interference is required and hence the writ petition is liable to be dismissed and accordingly the same is dismissed. No costs.

_____

T. MEENA KUMARI, J

Dt. 23/12/2004

Kvrk

To

1 The Joint Collector, Nalgonda District at Nalgonda
2 The Revenue Divisional Officer, Nalgonda District at Nalgonda
3 Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

4 Two CD copies.